

REMARKS

Claims 1-16 are all the claims pending in the application. In the Advisory Action of September 16, 2004, the Examiner indicated that newly proposed claim language requires further search and consideration. Applicant files a Request for Continued Examination respectfully requesting the Examiner to consider the newly proposed claim language.

Applicant further amends claim 1 to clarify the invention. In addition, in order to provide more varied protection, Applicant adds claims 15-16. Claims 15-16 are clearly supported throughout the specification, *e.g.*, pages 5-8.

Finally, by this Amendment, Applicant editorially amends claims 11-14. The amendments to claims 11-14 were made for reasons of precision of language and consistency, and do not narrow the literal scope of the claims and thus does not implicate an estoppel in the application of the doctrine of equivalents. The amendments to claims 11-14 are not made for reasons of patentability.

Applicant respectfully submits that amended claim 1 is patentable for the reasons discussed in the Amendment under 37 C.F.R. § 1.116 filed on July 2, 2004. The arguments presented in the Amendment under 37 C.F.R. § 1.116 are incorporated herein by reference.

In brief, with respect to the amended claim 1, the combined teachings of Parkkila and Yoshida fail to teach or suggest “when signal intensity was approximately constant before the search, using one or more sequences each associated with a predetermined list of frequencies from all of said frequencies, and when signal intensity is not approximately constant before the search, scanning all of said frequencies.”

The Examiner acknowledges that Parkkila fails to disclose the scanning when the signal intensity is constant before the standby (see page 3 of the Office Action). Yoshida fails to cure the deficient teaching of Parkkila in that it fails to teach or suggest when signal intensity was approximately constant before the search, using one or more sequences each associated with a predetermined list of frequencies from all of said frequencies, and when signal intensity is not approximately constant before the search, scanning all of said frequencies. In Yoshida, the MS scans the assigned channels during the idle state. Yoshida, however, does not teach or suggest the signal intensity of the MS before it enters the idle state. In fact, the signal intensity of the Yoshida's MS before it enters the idle state is irrelevant to the problem addressed in Yoshida, *i.e.*, determining whether the channel with a strong signal belongs to the subscriber's carrier and not to some other carrier. Therefore, in Yoshida, regardless of how the signal was lost (whether the MS entered a tunnel or left the area of coverage), the assigned standby channels will be scanned to find a channel with a highest level of the signal.

Moreover, there is no motivation to combine the references. One of ordinary skill in the art confronted with the Parkkila's problem of preventing unnecessary searches for a network channel would never have turned to Yoshida which teaches including a system identifier so that a channel of an unsubscribed carrier is not selected by the MS.

For at least these reasons, Applicant respectfully submits that the amended claim 1 is patentable over the combined teachings of the two references.

New claim 15 is patentable at least by virtue of its dependency on claim 1.

New claim 16 is patentable at least because of its recitation of "wherein the periodical network search comprises: when the signal intensity was approximately constant before the

periodic network search, executing partial frequency scanning, and when the signal intensity is not approximately constant before the periodic network search, performing a full scanning of all the frequencies.”

Entry and consideration of this Amendment is respectfully requested.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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